

BEFORE THE FLORIDA JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA

FILED

THOMAS D. HALL

OCT 12 2001

CLERK, SUPREME COURT
BY _____

INQUIRY CONCERNING A JUDGE:
CYNTHIA A. HOLLOWAY
NO.: 00-143

Florida Supreme Court
Case No.: SC00-2226

**RESPONSE TO RESPONDENT'S EMERGENCY MOTION TO STAY PROCEEDINGS AND
MOTION TO ENFORCE SETTLEMENT**

The Florida Judicial Qualifications Commission, ("FJQC") by and through undersigned special counsel, hereby responds to the emergency motion to stay proceedings and to enforce settlement and as grounds therefore states as follows:

1. This case is set to proceed before the hearing panel of the FJQC on Monday morning, October 15th, 2001, in Tampa, Florida.

2. The members of the hearing panel are flying in from all over the state to hear the evidence and try the case. Trial counsel for the commission are also set to be in Tampa for trial on Monday.

3. In a last ditch effort to thwart this trial from going forward, Judge Holloway has filed an emergency motion to stay on the ostensible basis that she reached a settlement with the commission on October 11th, 2001.

4. In Paragraph 2 of her motion, Judge Holloway states that "Judge Wolf and special counsel have indicated their willingness to endorse the referenced Stipulation in settlement of this cause." Judge Holloway's statement is incomplete. Judge Wolf expressly

told Judge Holloway that he would recommend a settlement, but that it needed to be approved by the investigative panel, who had already heard the evidence leading to the multiple charges against Judge Holloway, and voted probable cause.

5. The investigative panel then voted to reject the settlement offered by Judge Holloway and there is consequently no such settlement at the present time. Prior to filing this, undersigned spoke with Judge Wolf directly and confirmed the accuracy of these facts.

6. Pursuant to Fla. Const. art. V, §12(a)(1), both panels of the Commission have continuing jurisdiction over judges regarding acts of judicial misconduct. Judge Holloway's interpretation of the constitution makes no sense. She would have the hearing panel consider settlements without evidence, and the investigative panel, which has heard the evidence, with no authority to act.

7. The investigative panel was the appropriate body to consider Judge Holloway's settlement proposal, because the hearing panel has not convened and has not yet heard **any** evidence. It would therefore be acting in the abstract.

8. Pursuant to the Florida Judicial Qualifications Commission Rules, Rule 2(8) special counsel gathers and presents evidence before both the investigative and the hearing panel in charges against a judge, and represents the Commission in all proceedings. Based upon the rejection of the investigative panel,

Special Counsel has not agreed to a settlement.

WHEREFORE there is no basis for the Emergency Motion to Stay Proceedings and Enforce Settlement filed by Judge Holloway, and it should respectfully be denied.

Respectfully submitted,

By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via U.S. Mail this 12 day of October, 2001 to:

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Judicial Qualifications Commission
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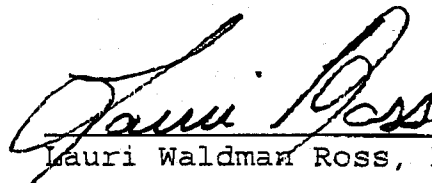
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